REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-13 are currently pending.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-13 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over www.microsoft.com/windows/windowsmedia/WM7/DRM/FAQ.aspx (hereinafter, "DRM").

As understood by Applicant, DRM relates to a digital rights management system that packages encrypted digital media files on an information recording medium (section "How does Windows Media DRM Work?"). Furthermore, DRM relates to the distribution of packaged files, the license acquisition process concerning the packaged files, and the playing of the packaged files.

A telephone interview between the Examiner and Messrs. Thomas F. Presson (one of applicant's undersigned attorneys) and Theo Kountotsis (one of applicant's patent agents) was held on March 29, 2005. The applicant and Messrs. Presson and Kountotsis wish to thank the Examiner for his time and consideration for such interview.

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During such telephone interview Messrs. Presson and Kountotsis attempted to convince the Examiner that DRM is not prior art. The Examiner indicated that if Messrs. Presson and Kountotsis were to convince him in writing of the arguments presented during the telephone interview, then the Examiner would remove DRM as prior art.

Applicant respectfully submits that DRM is not prior art. The Examiner relies on page 3 of DRM to teach the features of the present invention. Specifically, the Examiner relies on the section "How does Windows Media DRM work?" and, in particular, on the four paragraphs entitled "Packaging," "Distribution," "License Acquisition" and "Playing the media file." The Examiner printed the content of DRM on March 18, 2004 as is evident from the bottom right-hand corner of the printout. Nevertheless, because page 2 of DRM states that Windows Media DRM was first shipped in April 1999, the Examiner erroneously concludes that all the latest features of Windows Media DRM were first presented in April 1999.

In order to dispute such claim, Applicant's attorney accessed the website http://web.archive.org in order to determine whether or not the "Packaging," "Distribution," "License Acquisition" and "Playing the media file" features were present in Windows Media during 1999.

This website is run by a public nonprofit organization that was founded to build an Internet library, with the purpose of offering permanent access for researchers, historians and scholars to historical collections that exist in digital format. One of the valuable resources that this site offers is an Internet archive of old versions of websites that can be accessed through the "Internet Archive Wayback Machine." The Internet

Archive Wayback Machine is a service that allows people to visit archived versions of old websites by typing in a Uniform Resource Locator (URL) and then beginning to surf on an archived version of the Web.

A search was conducted by using the link http://microsoft.com/windows/windowsmedia in the search function of the website http://web.archive.org. The results of the search are all attached for the Examiner's reference.

The search results for the time period between January 1, 1996 and March 29, 2005 reveal 90 updates of the website relating to Windows Media content. Specifically, 6 updates were performed in 1999, 21 updates were performed in 2000, 17 updates were performed in 2001, 35 updates were performed in 2002, 9 updated were performed in 2003 and 2 updates were performed in 2004. These are all website updates that were performed by Microsoft. The present application was filed on October 24 2000. The priority date of the present application is October 25, 1999. Therefore, the dates of interest are the 6 dates in 1999 (i.e., Feb 25, 1999, Apr 17, 1999, Apr 29, 1999, May 8, 1999, Oct 12, 1999 and Nov 17, 1999).

Applicant printed out the 6 Microsoft websites (as were posted on the Internet in 1999) pertaining to the Windows Media content. Each of these 6 websites is attached for the Examiner's reference. After reviewing the content pertaining to the Windows Media, Applicant could not conclude that "Packaging," "Distribution," "License Acquisition" and "Playing the media file" features were present during 1999. In fact, the initial features of Windows Media were not disclosed until the May 8, 1999 update of the Microsoft website. The initial features related to Windows Media in 1999

were printed and are also attached for the Examiner's reference.

The features related to Windows Media in 1999 include "Superior Audio Quality," "Windows Media On-Demand Producer," "Intelligent Streaming," "Advanced Compression Technologies," "PowerPoint 2000 Integration," "Easy Internet Radio Distribution," "Add-Ons," "Rights Management" and "Pay Per View." Applicant examined the content of each of these links (also attached for Examiner's reference) and found no teaching or suggestion of the features presented in the present pending claims. As a result, in 1999, the DRM document did not include any features pertaining to "Packaging," "Distribution," "License Acquisition" and "Playing the media file." Consequently, it is improper to assume that all the latest features of Windows Media DRM were first presented in April 1999, since that is the first date of shipment of such product.

It is quite clear that, for example, Microsoft updates its website several times each year with additional information concerning its products. As a result, relying on a website printout of March 18, 2004 to teach or suggest features during 1999 would be erroneous by the Examiner. The Examiner must provide a specific date for each feature he believes was first shipped with the Windows Media product and not assume or determine that all the features presented in the March 2004 version of Windows Media were also present in the 1999 versions of Windows Media.

Therefore, Applicant submits that DRM is not prior art and that claims 1-13 are patentable.

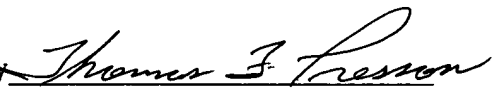
CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 
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107 Results

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1996	1997	1998	1999	2000	2001	2002	2003	2004
0 pages	0 pages	0 pages	6 pages	21 pages	17 pages	35 pages	9 pages	2 pages
			Feb 25, 1999 *	Feb 29, 2000	Apr 13, 2001	Jun 04, 2002	Feb 07, 2003	Feb 02, 2004
			Apr 17, 1999	Mar 03, 2000	May 07, 2001	Aug 03, 2002	Mar 24, 2003	Jun 25, 2004 *
			Apr 29, 1999	Mar 04, 2000	May 28, 2001	Aug 07, 2002	Apr 01, 2003	
			May 08, 1999	Apr 09, 2000	Jun 01, 2001	Aug 08, 2002	Jun 01, 2003	
			Oct 12, 1999	Apr 12, 2000	Jun 03, 2001	Aug 23, 2002	Jun 30, 2003	
			Nov 17, 1999	Apr 17, 2000	Jun 11, 2001	Aug 26, 2002	Aug 01, 2003	
				Apr 22, 2000	Jun 15, 2001	Aug 28, 2002	Oct 04, 2003	
				Apr 24, 2000	Jun 16, 2001	Aug 31, 2002	Nov 11, 2003 *	
				May 05, 2000	Jun 20, 2001	Sep 01, 2002	Dec 03, 2003 *	
				May 06, 2000	Aug 03, 2001	Sep 03, 2002		
				May 10, 2000	Oct 09, 2001	Sep 04, 2002		
				May 11, 2000	Nov 08, 2001	Sep 05, 2002		
				May 20, 2000	Nov 12, 2001	Sep 06, 2002		
				Jun 19, 2000	Nov 13, 2001	Sep 07, 2002		
				Jun 21, 2000	Nov 28, 2001	Sep 08, 2002		
				Jul 06, 2000	Nov 29, 2001	Sep 09, 2002		
				Aug 15, 2000	Dec 04, 2001	Sep 10, 2002		
				Aug 18, 2000		Sep 11, 2002		
				Oct 18, 2000		Sep 30, 2002		
				Oct 19, 2000		Oct 03, 2002		
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New organization devoted to developing and marketing technologies and solutions for consumer and business digital-media applications

Microsoft Announces Windows Media Technologies 4.0 Beta
The only streaming media platform to feature FM-stereo quality over a modem, MP3 quality at half the size, and improved piracy protection. Complete coverage of the Windows Media Technologies 4.0 launch.

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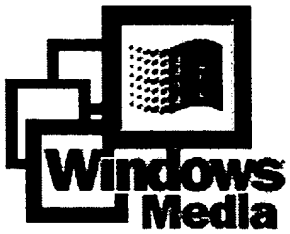

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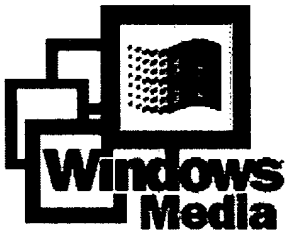

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Features

Windows Media™ Technologies 4.0 bring new business solutions to the streaming media market. From security to commerce, Windows Media Technologies improve the way you do business. For an introduction to Windows MediaTechnologies and its individual components, read the Windows Media Technologies Roadmap.

- **Superior Audio Quality**
  Get more for less! Stream FM-stereo sound over a modem or download high-quality music clips half the size of MP3 files.
- **Windows Media On-Demand Producer**
  Windows Media On-Demand Producer converts WAV and AVI files to ASF format.
- **Intelligent Streaming**
  A smarter stream provides the right content for every connection speed and automatically adjusts to network traffic.
- **Advanced Compression Technologies**
  Three new codecs deliver better media quality with faster encoding speeds.
- **PowerPoint 2000 Integration**
  Add audio or video to PowerPoint® presentations and stream them live over the Internet or an intranet.
- **Easy Internet Radio Distribution**
  Streaming radio is in high demand -- get your signal out there! Windows Media makes it easy.
- **Add-Ons**
  It's easier than ever to offer streaming content on a pay-per-view basis.
- **Rights Management**
  Offer audio and video for play on the Web, but stay in control of that copyright.
- **Pay Per View**
  It's easier than ever to offer streaming content on a pay-per-view basis.

Features Contents

- **Features Home**
- **Superior Audio Quality**
- **Windows Media On-Demand Producer**
- **Intelligent Streaming**
- **Advanced Compression Technologies**
- **PowerPoint 2000 Integration**
- **Easy Internet Radio Distribution**
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Windows Media Technologies Roadmap

What are the Windows Media Technologies?
With Microsoft Windows Media Technologies you can create, deliver, and play streaming media files for applications ranging from news and entertainment to e-commerce and corporate training. Windows Media Technologies components include the Windows Media Tools, Windows Media Services streaming server, and Windows Media Player. These provide an end-to-end solution for streaming multimedia, from content authoring to delivery to playback.

What is Streaming?
Streaming is the term used for media files that, unlike conventional files that must download in their entirety, begin playing while they are being transmitted to the player. Why is streaming important? Time. Media files are usually large and take a long time to download. Even short 30-second clips can take 20 minutes or longer to download over a normal 28.8 kilobit per second (Kbps) Internet connection. A 30-minute video would take hours.

With Windows Media Technologies, content authors can create, deliver, and play streaming media files in the Advanced Streaming Format (ASF). ASF files solve the problem of long download times by starting playback almost immediately, while the data is being sent. As the name *streaming* suggests, ASF files flow like a stream. Rather than picking up and sending a whole reservoir of data at once, ASF files send the first part of an audio or video clip down the "pipe" first. While that is playing, the rest of the data flows down, arriving in time to be played. To make sure playback isn't interrupted if logjams slow the network, the player collects a small backlog of data, called a buffer, before it starts playing. If the data keeps flowing fast enough, playback is continuous. Users only have to wait the few seconds it takes to create this buffer before viewing the file, regardless of whether the file lasts 30 seconds or 30 minutes.

What's Possible with Windows Media Technologies?
Windows Media Technologies can stream both live and on-demand (stored) content. On-demand content can be streamed from either a Web server or a Windows Media Services server, though the latter provides more flexibility and better performance. And Windows Media Services performs both standard unicast streaming (delivering live or on-demand content to thousands of users) and bandwidth-conserving multicast streaming (sending a single stream of real-time content to an

unlimited number of users).

Windows Media Technologies also give content authors the ability to embed the Windows Media Player in a Web page. To make streaming media files interactive and to create rich multimedia presentations, authors can add script commands to open Web pages in adjoining browser frames or place text captions in the player screen, all synchronized with the ASF content. For more examples of what's possible with Windows Media Technologies, visit the Windows Media Technology Showcase.

The Windows Media Technologies 4.0 opens up a whole new realm of possibility for generating revenue and for business solutions. With FM-stereo quality audio at Internet connection speeds, customers are willing to pay to view and listen. Companies are taking advantage of two new features--the improved content piracy protection in the new Windows Media Rights Manager, and an easy-to-use wizard that sets up viable pay-per-view applications. Other companies are adding audio or video to their online training or Web-based communications applications, making the delivery of the information more effective.

How To Offer Streaming Media with Windows Media Technologies

There are three basic steps to delivering ASF files: create, serve, and play. The Windows Media Technologies provide the tools and platforms necessary for all three tasks.

Creating Streaming Media - Windows Media Tools.

The content creation components of Windows Media Technologies include tools for authoring both live and on-demand content, and for converting other file formats such as WAV, AVI, MPEG and MP3 to ASF.

The Windows Media Encoder creates live content for broadcast over the Internet or intranets. Content authors can encode live audio and video feeds and then add them to dynamic mixtures of other media. The tool synchronizes and compresses the media components into a single file, augments the file with error-correction information, and delivers it to a Windows Media Services server, which then transmits it over a network. The Windows Media Encoder can also encode stored content for on-demand playback.

The other Windows Media Tools provide simple ASF authoring tools for creating or editing on-demand content. The tools include the Windows Media On-Demand Producer, Windows Media Author, Windows Media Plug-in for Adobe Premiere, and the command-line utilities VidToAsf, WavToAsf, and PublishToAsf. In addition to the growing number of Windows Media content creation tools, there are also an increasing number of third-party tools that output .asf files. For

more on content authoring and the Windows Media Tools, visit Create It.

Hosting and Delivering Streaming Media - Windows Media Services.
To host an ASF file for streamed delivery, you simply place the compressed ASF file on a Windows Media Services server and link to this file on a Web server.

The Windows Media server components are a set of services running on Windows NT Server that can unicast and multicast audio, video, and other media to client computers. To deliver live, real-time content, the server works in conjunction with the Windows Media Encoder, which compresses the audio and video feed in real time and passes it to the Windows Media server for delivery to the network. On-demand ASF files must be stored on a server's hard drive and passed to the network by the Windows Media Services server. The server software includes the Windows Media Administrator (a set of administrative tools used to manage, configure, and monitor Windows Media Services) and the Windows Media Rights Manager (a digital rights management tool for reducing intentional and unintentional piracy of content). For more on hosting and delivery of content with Windows Media Services, visit Host It.

Windows Media Services offer the widest range of bandwidth support in the industry, delivering live broadcasts or streaming stored multimedia content from as low as 3 Kbps audio to 6 Mbps of audio and video. Windows Media Services can scale to meet the heaviest demands; a single server can scale to support over 3000 simultaneous user connections, letting you host large Internet broadcasts easily and cost-effectively. And Windows Media Services automatically ensure top performance over the network for the smoothest video and richest audio experience to every end user. For detailed information on Windows Media Services, visit the Streaming Media Services section of the Windows NT Server site.

NetShow™ Theater Server extends the streaming media services of Windows Media Services to much higher bandwidths, allowing delivery of full-motion, full-screen MPEG video with guaranteed performance across high-bandwidth networks. For more information, visit the NetShow Theater Server home page.

Playing Streaming Media - Windows Media Player.
Users play ASF content with the Windows Media Player. Intranet and Internet surfers can use the player to play audio, illustrated audio (synchronized sound and still images), and full-motion video files, plus RealAudio and RealVideo 4.0 (and earlier) content, as well as to offer playback of many other multimedia data types. With the advanced content compression technologies in Windows Media Technologies 4.0, Windows Media Player delivers superb audio and video quality at

standard 28.8 kilobit per second (Kbps) Internet connections. For more information or to download the player, visit the Windows Media Player site.

For more detail on the new features of Windows Media Technologies 4.0, use the navigation on the right.

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